

Remarks

Prior to this amendment, claims 1, 23-33, 37, 48, 52-54, and 56-60 are pending. By this amendment, new claims 61-69 are added.

Support for new claims 61-69 can be found in the specification at least at page 3, lines 23-24 and at page 18, lines 25-27.

No new matter has been added by this amendment. After entry of this amendment, **claims 1, 23-33, 37, 48, 52-54, and 56-69 are pending.** Unless, specifically stated otherwise, none of these amendments is intended to limit the scope of any claim.

Notice of Allowance

Applicants thank Examiner Zeman for withdrawing the rejection of claims 1, 23-33, 48, and 52-54 under 35 U.S.C. §112, first paragraph and the rejection of claims 1, 23-33, 37, 48, and 52-54 under 35 U.S.C. §103. Allowed claims 1, 22-33, 37, 48 and 52-54 are not changed by this amendment.

Examiner Interview

Applicants thank Examiner Zeman for the courtesy of telephone interviews with their representatives Dr. Tanya Harding and Dr. Anne Carlson on February 14, 2005. During the interviews, the language of claim 1 was discussed, as well as the rejoinder of nucleic acid claims that correspond with allowed polypeptide claims. In addition, the Information Disclosure Statement submitted on September 10, 2004, was discussed. Examiner Zeman indicated his willingness to consider and rejoin claims directed to nucleic acids that encode the allowed polypeptides in a filing that accompanied an Request for Continued Examination (RCE). It is believed that this Amendment is in accordance with the interview.

Withdrawal from Issuance

This Amendment accompanies an RCE and is submitted after receipt of a Notice of Allowance, dated December 21, 2004. The deadline for issue fee payment is March 21, 2005. However, no issue fee has been paid in this case, and this RCE submission is prior to the March 21, 2005, deadline to pay the issue fee. Thus, this application is withdrawn from issuance. In accordance with 37 C.F.R. §1.313, a petition to withdraw the application from issuance is not required since the RCE under 37 C.F.R. §1.114 was filed prior to payment of the issue fee. Thus, Applicants respectfully request that the Examiner enter this Amendment.

The Office action dated November 25, 2003, states "if claims reciting a given fusion protein are found to be free of the art of record, the corresponding nucleic acid claims will be rejoined." The current amendment serves only to add new claims 61-69, directed to nucleic acids corresponding to the allowed fusion proteins (pending and allowed claims 1, 23-33, 37, and 56-60). Thus, no search of the prior art or review of the record is required for the new claims. Applicants submit that all of the pending claims are in condition for allowance.

Information Disclosure Statement


An Information Disclosure Statement (IDS) and PTO-1449 form are submitted herewith in order for the Examiner to acknowledge that he has considered Vermeire *et al.* (*J. Leukocyte Biol.*, 74:667-675, 2003), which was cited in the IDS submitted on September 10, 2004. Applicants respectfully request that the Examiner indicate that he has considered this reference by sending us a signed copy of the enclosed PTO-1449 form with the next Office communication.

CONCLUSIONS

Based on the foregoing amendments and arguments, the claims are in condition for allowance and notification to this effect is requested. If for any reason the Examiner believes that a telephone conference would expedite allowance of these claims, please telephone the undersigned at (503) 595-5300.

Respectfully submitted,

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